(English version)

Question for written answer E-002415/25
to the Commission

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(16 June 2025)

Subject: Protection of Hungarian citizens' fundamental rights in the context of biometric identification and surveillance at public gatherings

Recent reports suggest that a new Hungarian law may allow the use of facial recognition technology to identify individuals participating in public demonstrations banned by the government ([1]).

1. Can the Commission assess whether such use complies with the Artificial Intelligence Act's prohibition on real-time biometric identification ([2]), applying all legal safeguards and criteria, and confirm that post-remote identification cannot be used to bypass Article 5, which has already entered into force ([3])?

2. Does the use of remote biometric identification in this situation bring additional risks to the fundamental rights and freedoms in the Charter of Fundamental Rights of the European Union, such as freedom of assembly and association, as enshrined in Article 12 of the Charter?

3. If the national authorities responsible for oversight are unable or unwilling to act 'independently, impartially and without bias', as required by the Artificial Intelligence Act ([4]), will the Commission commit to taking action — including infringement proceedings if needed — to ensure that Hungarian citizens are effectively protected under the Artificial Intelligence Act and the Charter of Fundamental Rights?

Submitted: 16.6.2025

Answer given by Executive Vice-President Virkkunen on behalf of the European Commission

(1 August 2025)

The Commission is closely monitoring the situation in Hungary and is assessing the implications that the legislative changes referred to by the Honourable Members may have under EU law, including as regards compliance with the Artificial Intelligence (AI) Act ([1]).

In this context, the Commission has asked Hungary for certain clarifications as regards the use of facial recognition and is currently analysing the received replies.

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1 [1]Spike, J., 'Hungary's new anti-LGBTQ+ law bans Pride events and sparks protests', *Associated Press*, 19 March 2025, https://apnews.com/article/hungary-pride-ban-orban-lgbtq-rights-e7a0318b09b902abfc306e3e975b52df.

2 [2]Article 5(1), point (c) and Article 5(2) of Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act) (OJ L, 2024/1689, 12.7.2024, ELI: http://data.europa.eu/eli/reg/2024/1689/oj).

3 [3]Article 26(10) of the Artificial Intelligence Act.

4 [4]As required by Article 70 of the Artificial Intelligence Act.

([1]) https://eur-lex.europa.eu/eli/reg/2024/1689/oj/eng.